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|---|---------------|----------------------|---------------------|------------------|
| APPLICATION NO.   | FILING DATE   | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
| 10/078,142  | 02/19/2002    | Juan Amengual        | 47133.010100        | 6466             |
| 54353   | 7590          | 05/07/2009           | EXAMINER            |                  |
| MANUEL VALCACEL<br>c/o GREENBERG TRAURIG, P.A.<br>1221 BRICKELL AVENUE<br>MIAMI, FL 33131 |               |                      | ARAQUE JR, GERARDO  |                  |
| ART UNIT  | PAPER NUMBER  |                      |                     | 3689             |
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| 05/07/2009  | PAPER         |                      |                     |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                        |                     |
|------------------------------|------------------------|---------------------|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |
|                              | 10/078,142             | AMENGUAL ET AL.     |
| <b>Examiner</b>              | <b>Art Unit</b>        |                     |
| Gerardo Araque Jr.           | 3689                   |                     |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 31 March 2009.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1-5,7-20,26,81 and 82 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-5,7-20,26,81 and 82 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. **Claims 14 and 82 are rejected under 35 U.S.C. 101.** Based on Supreme Court precedent and recent Federal Circuit decisions, the Office's guidance to an examiner is that a § 101 process must (1) be tied to a particular machine or apparatus or (2) transform underlying subject matter (such as an article or materials) to a different state or thing. *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780, 787-88 (1876).

To qualify as a § 101 statutory process, the claim should recite the particular machine or apparatus to which it is tied, for example by identifying the machine or apparatus that accomplishes the method steps, or positively reciting the subject matter that is being transformed, for example by identifying the material that is being changed to a different state.

There are two corollaries to the machine-or-transformation test. First, a mere field-of-use limitation is generally insufficient to render an otherwise ineligible method claim patent-eligible. This means the machine or transformation must impose meaningful limits on the method claim's scope to pass the test. Second, insignificant extra-solution activity will not transform an unpatentable principle into a patentable process. This means reciting a specific machine or a particular transformation of a

specific article in an insignificant step, such as data gathering or outputting, is not sufficient to pass the test.

Here, applicant's method steps fail the first prong of the new test because the applicant has not provided a particular machine that is specifically programmed to carry out the claimed steps. Although, in **claim 14** the applicant has indicated that the processing of the user search query is via a computer processor it is being understood that the processor is being used in a manner that is understood to be an insignificant extra solution activity. In other words, it is understood that the claimed steps can be performed by a user and that a generic computer can be used as an interface for the user to input and receive their desired information

Further, applicant's method steps fail the second prong of the test because the claimed invention does not provide any real world transformation of the information. The claimed invention is essentially only relaying information to the user and only rearranging the stored data, i.e. filtering existing data to only display the requested user data (search query results).

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1 – 5, 7 – 20, 22 – 26 and 81 – 82** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Pant et al. (US Patent 6,012,053)**.

3. In regards to **claims 1, 7, 14, 15, 16, 22, 81, and 82**, Pant discloses a customizable computerized system for providing a directory of websites to their corresponding numeric telephone numbers, comprising:

(Claim 1) an electronic communications network server for system users to communicate with said system via an electronic communications network and for receiving a system user search query for a first merchant, said first merchant having an Internet website with an Internet domain name address, and said user search query consisting of a numeric telephone number corresponding to said first merchant (see at least Col. 2 Lines 47 – 54; Col. 5 Lines 5 – 28; wherein a server is provided to allow communication with a network and system and for receiving user search queries);

an electronic data storage device for storing data comprising Internet said domain name address of said first merchant's Internet website and one or more Internet domain name addresses of one or more websites of one or more additional merchants, and said numeric telephone numbers corresponding to said first merchant, and one or more numeric telephone numbers corresponding to said one or more additional merchants, and data regarding products or services offered by said first merchant and data regarding products or services offered by said one or more additional merchants in a database (**Col. 3 Lines 25 - 27**);

one or more software applications for correlating said Internet domain name address data for said first merchant's Internet website with said first merchant's numeric telephone number data, and for correlating said Internet domain name address data for

each of said one or more Internet websites of each of said one or more additional merchants with said one or more additional merchant's numeric telephone number data, processing said user search query to provide access to said first merchant's Internet website in response to said user numeric telephone number query, said one or more software applications further selecting one or more of said one or more websites of said one or more additional merchants that offer products or services similar to products or services offered by said first merchant via a comparison of said data regarding products or services offered by said first website with said data regarding products or services offered by said one or more additional merchants using **(Col. 3 Lines 33 – 41; Col. 5 Lines 22 – 25)** customizable criteria for comparison of said data regarding said products or services offered by said first merchant and said data regarding products or services of said one or more additional merchants and **(Col. 1 Lines 53 – 56; Col. 3 Lines 20 – 22);**

providing, in response to said user numeric telephone number query for said first merchant, in addition to a link to said first merchant's Internet website, a referential directory of said one or more additional merchant's Internet websites that offer products or services similar to products or services offered by said first merchant based on said comparison of said data regarding products or services offered by said first merchant and said one or more additional merchants, in said one or more Internet websites of said one or more additional merchants being further selected based on said customizable criteria, said referential directory listing both said Internet website domain

name address and said numeric telephone number for each of said one or more additional merchants (Col. 3 Lines 34 - 37); and

a computer processing device communicating with said electronic data storage device and said electronic communications network server and for running said one or more software applications to cause said user queries to be processed and said referential directory to be generated and rendered in response to said user queries (Col. 3 Lines 15 – 32; see also Figures 1 – 3).

However, Pant fails to explicitly disclose a specific search query, i.e. telephone numbers.

However, it would have been obvious to one having ordinary skill in the art that a search query can consist of many different types of alpha/numeric search terms. That is to say, a search query can consist of words, numbers, symbols, and/or any combination thereof. As a result, the Examiner asserts that it is well known that a user who would be using an Internet search engine to look up the location of say, a fast food establishment within a certain area code would input **area code 703 and burgers**, for example. Further still, it is also well known for the URL of many websites to be the phone number of the business, such as **1-800-FLOWERS (1-800-356-9377)** or **1-800-MATTRES (1-800-628-8737)**.

As a result, the Examiner notes that the act of claiming a specific search term, i.e. telephone number, is nonfunctional descriptive subject matter. The Examiner asserts that the mere act of storing, retrieval, matching, and displaying data is non-functional. In other words, the type of data, i.e. a search query consisting of a

telephone, add little if anything to the claim's structure, and, thus, does not serve as a limitation on the claims to distinguish over the prior art. As claimed, the steps of the invention would be performed the same regardless of the data type.

Since **Pant** discloses the use of a search engine over the Internet and since it is well established that search terms can consist of various alpha/numeric combinations it would have been obvious that a telephone number can easily be substituted into the search query. Consequently, given the nature of how a search engine works it would have been realized by one having ordinary skill in the art that as long as the telephone number appears on a website the websites that contain the telephone number will appear in the search results. Moreover, an additional feature of a search engine is to also provide comparable websites that are associated with the search query (**see also Fig. 5 - 7 of Pant**).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention in view of the teachings of **Pant** to use specific search terms, such as a telephone number, for when the user is searching for a specific site on the Internet (**see also the discussion under Response to Arguments for further explanation of the rejection**).

4. In regards to **claims 2 and 17**, the Examiner asserts that it is old and well known to use web address forwarding.
5. In regards to **claims 3 and 18**, **Pant** discloses means for displaying to users content from said first merchant's Internet websites and said one or more Internet

websites of said one or more additional merchants in a standardized format (**Col. 6 Lines 40 – 50**).

6. In regards to **claims 4 and 19**, **Pant** discloses wherein said customizable criteria are provided by electronic communication from said user (**obviously included since the searching is being done on a computer; See also at least Col. 2 Lines 25 - 30**).

7. In regards to **claims 5 and 20**, **Pant** discloses wherein said customizable criteria are preprogrammed into said system (**See at least Col. 1 Lines 37 – 40**).

8. In regards to **claims 8 – 11 and 23 – 26**, the Examiner asserts that it is old and well known for search engines to provide a listing of websites that are relevant to the user's search query. That is to say, the user can define all of the appropriate search terms for the search engine to search for. As a result, if the user's search query consists of products, services, prices, content, publication, or any combination thereof the search engine would then process the search query and provide the user with all websites that are relevant to the search query.

In regards to **claim 12**, the Examiner asserts that online internet e-mail providers are old and well known in the art, such as Hotmail, Gmail, MSN, and etc. Further still, it is also well known for many companies to have a contact list consisting of e-mail, fax, or phone numbers. As a result, as explained above, as long as the search query exists somewhere on the Internet the search engine will search for it within its databases and provide them to a user. Further still, the Examiner also asserts that an e-mail address can consist of any alpha/numeric combination that has not been used, including a phone number. Thus, if a user's email address consisted of

phonenumber@hotmail.com, for example, the search engine would then search for that specific search term.

9. In regards to **claim 13**, the Examiner asserts that it is old and well known for an e-mail message to be sent to multiple recipients and that a single recipient can have several e-mail accounts.

***Response to Arguments***

10. Applicant's arguments filed **3/31/2008** have been fully considered but they are not persuasive.

**Rejection under 35 USC 112, Second Paragraph**

11. Rejection under 35 USC 112 has been withdrawn due to amendments.

**Rejection under 35 USC 103**

12. The Examiner will first address what the applicant's invention actually is before responding to the provided arguments. In order to establish that the provided rejection is correct and that the prior art is equivalent to the applicant's invention.

**Claim 1:**

A customizable computerized system for providing a directory of websites to their corresponding numeric telephone numbers, comprising:

an electronic communications network server for system users to communicate with said system via an electronic communications network and for receiving a system user search query for a first merchant, said first merchant having an Internet website with an Internet domain name address, and said user search query consisting of a numeric telephone number corresponding to said first merchant;

This is nothing more than a server that allows a user to communicate with some system that contains data. The data does not further limit the structure or the network.

Receiving a query is completely irrelevant because receiving a query is nothing more than receiving data. One of the many responsibilities of a server is to receive data. Anyone of ordinary skill in the art of computing would fully understand this. Further, the Examiner asserts that the applicant has failed to properly state otherwise and that one of ordinary skill in the art of computing would have found it to be common sense that one of the responsibilities of a server is to receive data. To summarize, this limitation is claiming nothing more than a server that allows a user to submit data to a system. Moreover, since this is being done over the Internet the submitted query is being inputted into some type of interface, such as a search engine.

an electronic data storage device for storing data comprising Internet said domain name address of said first merchant's Internet website and one or more Internet domain name addresses of one or more websites of one or more additional merchants, and said numeric telephone numbers corresponding to said first merchant, and one or more numeric telephone numbers corresponding to said one or more additional merchants, and data regarding products or services offered by said first merchant and data regarding products or services offered by said one or more additional merchants in a database;

This is nothing more than a hard drive. The purpose of a hard drive is to store data. The hard drive does not care what data is on there, i.e. domain names, product info, telephone numbers, etc. Its only purpose is to store data and allow for the retrieval of the stored data. A database, however, is only a mere compilation of data, i.e. an organized body of related information. In a system claim, the type of data does not add any structural limitations to the storage device. Despite of this, the Examiner asserts that all this limitation is attempting to disclose is a hard drive that contains data pertaining to a website address of a merchant(s), telephone numbers, and products that

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are offered by the merchant and having all the information being linked to one another.

Again, the applicant has only claimed a hard drive; it does not care how the data is associated with one other.

The applicant is further claiming the database to be stored on a hard drive, or the like, and arranging the database to have the stored information linked to one another. This can be accomplished through several methods that one of ordinary skill in the art of computing would understand.

one or more software applications for correlating said Internet domain name address data for said first merchant's Internet website with said first merchant's numeric telephone number data, and for correlating said Internet domain name address data for each of said one or more Internet websites of each of said one or more additional merchants with said one or more additional merchant's numeric telephone number data, processing said user search query to provide access to said first merchant's Internet website in response to said user numeric telephone number query, said one or more software applications further selecting one or more of said one or more websites of said one or more additional merchants that offer products or services similar to products or services offered by said first merchant via a comparison of said data regarding products or services offered by said first website with said data regarding products or services offered by said one or more additional merchants using customizable criteria for comparison of said data regarding said products or services offered by said first merchant and said data regarding products or services of said one or more additional merchants and;

Here the applicant is claiming a software program, which does not further limit any structural requirements of the system, which correlates the domain name with the telephone number. In other words, the applicant is claiming a program that recognizes at least two pieces of data are linked to one another and through that link the program

processes the search query. To be more specific, the limitation is disclosing a program that receives a query from a user, processes the query by searching through the data in a database that is stored on a hard drive (or the like), and provides a search result using the search terms of the query as its parameters, i.e. telephone number in this case (although anything can be inputted into the query box and the process is still performed in the same manner). The program is then further capable of providing comparable/alternate results based on the search query and other data that is linked/associated with the one or more search results.

providing, in response to said user numeric telephone number query for said first merchant, in addition to a link to said first merchant's Internet website, a referential directory of said one or more additional merchant's Internet websites that offer products or services similar to products or services offered by said first merchant based on said comparison of said data regarding products or services offered by said first merchant and said one or more additional merchants, in said one or more Internet websites of said one or more additional merchants being further selected based on said customizable criteria, said referential directory listing both said Internet website domain name address and said numeric telephone number for each of said one or more additional merchants; and

Here the applicant is providing a referential directory, i.e. a database/search result, which is comprised of data (websites) with more data linked to another (e.g. telephone number linked to website or products linked to website or products linked to telephone number). In other words, the applicant is providing a database that contains data regarding a website that links it with more data regarding offered products. Using that link it is being assumed that the program takes the correlation found between the

search query (telephone number) and searches for a specific type of data (offered products) and extrapolates using the data in the database additional data that shows some type of associated to the specific type of data (other websites that offer the same/similar offered products determined from the search query).

a computer processing device communicating with said electronic data storage device and said electronic communications network server and for running said one or more software applications to cause said user queries to be processed and said referential directory to be generated and rendered in response to said user queries

Here the applicant is claiming a computer that communicates to the hard drive, or the like, that contains the database containing the linked data information. The method in which the computer is communicating to the storage device is by using the server and wherein the communication between the computer and the server is accomplished by using a program, which receives the user's search query, which is stored on the user's computer. In other words, the applicant is claiming a web browser/search engine.

**Summary of applicant's invention**

13. To summarize the Examiner asserts that all the applicant is claiming is a web browser/search engine which receives a user's search query and provides a result that coincides with the user's search query. The fact that the applicant is claiming a specific search string, i.e. telephone number, is completely irrelevant and non-functional. A search engine will perform the same searching process regardless of what is in the search query field. In other words, whether the user inputs all numbers, words, or a combination thereof the search engine will always search through a database, which is

stored on a hard drive (or the like), find the most relevant website (which usually is the website you are searching for if you inputted the correct search terms), and provide comparable sites based associated information from the most relevant website.

In regards to **claim 14, 15, 81, and 82**, the Examiner asserts that the applicant is claiming the same inventive concept as in **claim 1**, except that it is in a method format. The fact that the applicant is claiming,

"**gathering and storing** in an electronic data storage device data regarding..."

"**means for gathering** data comprising Internet domain...."

"**obtaining and storing** in a computer system database..."

is no different than the second limitation of **claim 1**. The act of gathering and storing is an obvious feature. In other words, for the claimed data to be on the storage device (all of which is discussed above) something or someone had to have gathered/obtained and stored the information onto the storage device. That is to say, since data is stored onto a storage device, the data **must** have been gathered/obtained and stored.

As a result, it is asserted that the Examiner did not fail in rejecting the method steps of gathering/obtaining and storing the data because the Examiner has clearly indicated that the data is, indeed, stored on the storage device and, consequently, the acts of gathering/obtaining and storing are obviously included.

#### **Summary of Prior art as it applies to the invention**

14. Regarding the prior art of reference, the Examiner asserts that **Pant** does, indeed, disclose all of the limitations discussed in the rejection above and would have

been fully capable of using a telephone number as a search query. Specifically, **Pant** discloses a system and method wherein a user inputs terms into a search query field, thereby creating a search query. The search engine is displayed on a user's computer, which is connected to the Internet, which obviously implies that the computer is connected to a server, and waits for the user to input a search query. The search engine, i.e. software application, applies the search query to a database (referential directory) to provide search results which include an indication of the items in the database which match the search query. After the results are determined the search engine provides the matching results to the user's computer. The search results are comprised of the specific website that the user is searching for (that is if the user's search query was specific enough) as well as other sites that contain information that is relevant to the search query.

With that said, it is again asserted that the only difference between the applicant's invention and **Pant** is that **Pant** does not disclose that the search query comprises a telephone number. Although, **Pant** does not disclose the use of a telephone number as the search terms for the search query it is asserted that the invention would still perform the steps of receiving a user's search query, searching an index (directory) for websites that contain the search terms, and providing the results. The search engine, again, does not care whether the terms are just words, numbers, symbols, or a combination thereof. As long as the data (search terms) appear in a document on the Internet and comply with the searching parameters the search engine will product the requested results.

In the end, **Pant** discloses a system and method wherein all the information is linked with one another. In other words, the disclosed search engine can only provide a result to a query because the terms, whether numeric, alphanumeric, or just plain words, are associated with those results. That is to say, if a user inputs car the search engine will produce every possible site that has been indexed that contains the word cars. If the user inputs Toyota cars the search engine will produce every possible site that has been indexed that contains Toyota cars. If the user inputs the telephone number the search engine will produce all websites that contain the telephone number. Here **Pant** further improves on this method by ranking the sites according to relevance of the telephone number. Since it is common sense that a telephone number can only be assigned to one entity at a time it would have been obvious that if the user inputs 1-800-Flowers or 1-800-356-9377 the website for 1-800-Flowers will appear at the top of the list because that is how a search engine works and the phone number is tied to that specific business. In other words, all the information is linked to another in a database that is stored on a hard drive (and equivalents).

The applicant has argued that inputting 1-800-Flowers and 1-800-356-9377 will not produce the website for 1-800-Flowers and has argued for the Examiner to attempt it. Below is the result of that search.

1 1-800-flowers - Google Search

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Caller ID: **1-800-356-9377** Caller: 1-800 Flowers, Kevin - 22 Jan 2009 ... Submit a comment about **1-800-356-9377** phone number: Your Name ... [whoisalpha.com/Phone-Number.aspx?8003569377](http://whoisalpha.com/Phone-Number.aspx?8003569377) - 16k - Cached - [Similar pages](#)

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COM twenty four hours a day, 7 days a week at **1-800-356-9377** or [www.1800flowers.com](http://www.1800flowers.com). Sales and Service Specialists are available 24/7, and fast and reliable ... [www.1800flowers.com/about-us\\_main-page.aspx](http://www.1800flowers.com/about-us_main-page.aspx) - 42k - Cached - [Similar pages](#)

**1-800-FLOWERS.COM, Inc. - Search Results**

COM 24 hours a day, 7 days a week via the phone or Internet (**1-800-356-9377** or [www.1800flowers.com](http://www.1800flowers.com)) or by visiting a Company-operated or franchised store. ... [investor.1800flowers.com/search.cfm?/keyword/franchised](http://investor.1800flowers.com/search.cfm?/keyword/franchised) - 43k - Cached - [Similar pages](#)

**1-800-FLOWERS.COM, Inc. - Investor Overview**

... at [www.1800flowers.com](http://www.1800flowers.com); by calling **1-800-FLOWERS** (**1-800-356-9377**) 24 hours a day; or by visiting one of its Company-operated or franchised sto. ... [investor.1800flowers.com/](http://investor.1800flowers.com/) - [Similar pages](#)

**(800) 356-9377 / 8003569377**

Feb 4, 2009 ... Report a phone call from **1-800-356-9377**. Your Name or Nickname. Your name or alias as you would like it to appear in the title of your post ... [00notes.com/Phone.aspx?1-800-356-9377](http://00notes.com/Phone.aspx?1-800-356-9377) - 13k - Cached - [Similar pages](#)

**What is the phone number for 1-800-flowers? - Yahoo! Answers**

1 800 356 9377, 3 years ago 0 Rating: Good Answer 0 Rating: Bad Answer - Report Abuse - R Squared by R Squared, Member since: May 07, 2006 ... [answers.yahoo.com/question/index?qid=20060507150756AAUSi9](http://answers.yahoo.com/question/index?qid=20060507150756AAUSi9) - 65k - Cached - [Similar pages](#)

**1-800-FLOWERS.COM(R) To Conduct Electronic Equipment Recycling ...**

Jun 4, 2008 ... COM 24/7 at **1-800-356-9377** or [www.1800flowers.com](http://www.1800flowers.com). As always, 100 percent satisfaction and freshness are guaranteed. ... [eonbusinesswire.com/release/1800flowers/recycling/printweb587504.htm](http://eonbusinesswire.com/release/1800flowers/recycling/printweb587504.htm) - 60k - Cached - [Similar pages](#)

As can be clearly seen above, both search queries were inputted into Google and both times 1800flowers.com has appeared on the top of the list since, as discussed above, the phone number 1-800-Flowers/1-800-356-9377 are linked to that specific business and the relevance/association between those two pieces of information is at the top of the list, i.e. highest relevance factor. And as discussed above, the only way a search engine can do this is be having website address of a merchant(s), telephone numbers, and products that are offered by the merchant all linked to one another.

#### **Applicant's arguments**

##### **Rejections under 35 USC 112**

15. Rejections under 35 USC 112, second paragraph, have been withdrawn due to amendments.

##### **Rejection under 35 USC 103**

16. Applicant argues that the Examiner's **Official Notice** is incorrect and that the Examiner has failed to provide any evidence showing otherwise.

However, the Examiner asserts that an **Official Notice** rejection is not incorrect. The Examiner argued that it is old and well known for a search query to comprise of different types of alphanumeric search terms, such as, but not limited to, words, numbers, symbols, and/or any combination thereof. The Examiner further provided sufficient examples to support this assertion. Specifically, the Examiner provided the example of 1-800-FLOWERS (1-800-356-9377), 1-800-MATTRES (1-800-628, 8737), and area code 703 AND burgers. The Examiner has even gone as far to provide

documents disclosing how a search engine works, as well as the web page for 1-800-FLOWERS (1-800-356-9377).

Thus, it is asserted that the Examine has, indeed, provided substantial evidence supporting the Examiner's **Official Notice**. However, the applicant continues to overlook the numerous provided examples and has even gone as far to dispute that inputting 1-800-FLOWERS (1-800-356-9377) and (1-800-356-9377) into a search engine will not provide the home page to 1-800-FLOWERS along with comparable websites. Although, the Examiner feels that sufficient evidence has been provided to overcome the applicant's arguments and support the Examiner's assertion the Examiner has provided the following to prove that the applicant's argument is, simply, incorrect.

1-800-flowers - Google Search

Page 1 of 3

Web Images Maps News Video Gmail more - Sign in

# Google

1-800-flowers

Search Advanced Search Preferences

Web Results 1 - 10 of about 14,400,000 for 1-800-flowers (0.22 seconds)

**1-800-FLOWERS.COM** Sponsored Links  
1800flowers.com Same Day Delivery Available 100% Satisfaction Guaranteed

**Free Delivery FTD Flowers** www.FTDfloristonline.com/flowers Free Delivery For Online Orders FTD Flowers Satisfaction Guaranteed

**Mother's Day Flowers** www.BloomsToday.com All Flowers 50% Off. Send Beautiful Blooms to Mom. Order Now & Save!

**Flowers, Roses, Gift Baskets, Flower Bouquet - 1-800-FLOWERS.COM**

**Same Day Flowers for Less** Beautiful Fresh Flowers Under \$25. "Best Value Flowers" - CBS News www.FromYourFlowers.com

**Conklyn's Florist** Order online - get free delivery. We deliver flowers anywhere. www.conklyns.com 2100 Jefferson Davis Hwy

**Free Teleflora Delivery** Save \$10.00 more on Teleflora Flowers code (LOVE)1888-468-0111 floristoriginalbygregory.com

**Fresh Flowers From \$24.99** Send Gorgeous Bouquets Fast From Your Fiercest Local Florist E-Florist-Inc.com

**1-800-SendFlowers.com Now** Florist Delivered Arrangements Starting at \$29.99, Same Day OK www.SendFlowers.com/local-florist

**Flower.com -Fresh Flowers** Premium Flowers - Same Day Hand Delivery. Get \$7.50 Off code "BuyNow" www.Flower.com/Premium\_Flowers

More Sponsored Links

Send flowers, roses, balloons, plants, gift baskets and gourmet food from 1-800-FLOWERS.COM, the world's #1 online florist. [Show stock quote for FLS](#) www.1800flowers.com · 70K · Cached · Similar pages

Birthday Same-Day  
Sympathy & Flowers New Baby  
Love & Romance Gift Baskets & Food  
Get Well Roses

[More results from 1800flowers.com](#)

**Employment Opportunities at 1-800-FLOWERS.COM**  
There is no better job than bringing a smile to millions of people. Join the 1-800-FLOWERS.COM team today!

<http://www.google.com/search?sourceid=navclient&ie=UTF-8&rls=GOLD.GGLD:2004-30...> 5/1/2009

1-800-356-9377 - Google Search

Page 1 of 2

Web Images Maps News Video Gmail more

Sign in



1-800-356-9377

**Search**

Advanced Search

Preferences

Web

Results 1 - 10 of about 26,800 for 1-800-356-9377. (0.33 seconds)

**1-800-FLOWERS.COM**

Sponsored Links

1800flowers.com - Elegant flowers for any occasion. Same Day Delivery at 1-800-FLOWERS.

Sponsored Links

**Same Day Flowers for Less**

Beautiful Fresh Flowers Under \$25  
"Best Value Flowers" - CBS News  
www.FromYouFlowers.com

**Send Flowers from \$19.99**

www.ProFlowers.com - Send Roses, Lilies & other Flowers  
"Best Value" - Wall Street Journal

**50% Off Flowers Today**

www.BloomsToday.com - Huge Selection of Flowers & Gift Baskets. Save 50% on Today's Order

**800 Number Phone Services**

Order Toll-free 1-800 Phone Service  
Search Available 800 Numbers Online  
www.TollfreeNumber.org

**8003569377 - who calls me from 800-356-9377?**

Caller ID: 1-800-356-9377. Caller: 1-800 Flowers, Kevin - 22 Jan 2009 ... Submit a comment about 1-800-356-9377 phone number. Your Name ... whicallme.com/Phone-Number.aspx?8003569377 - 16k - Cached - Similar pages.

**About 1-800-FLOWERS.COM - Your Florist of Choice**

COM twenty four hours a day, 7 days a week at 1-800-356-9377 or www.1800flowers.com. Sales and Service Specialists are available 24/7, and fast and reliable ... www.1800flowers.com/about-us—main page - 42k - Cached - Similar pages

**1-800-FLOWERS.COM, Inc. - Search Results**

COM 24 hours a day, 7 days a week via the phone or Internet (1-800-356-9377 or www.1800flowers.com) or by visiting a Company-operated or franchised store. ... investor.1800flowers.com/search.cfm?keyword=franchised - 43k - Cached - Similar pages.

**1-800-FLOWERS.COM, Inc. - Investor Overview**

... at (www.1800flowers.com); by calling 1-800-FLOWERS® (1-800-356-9377) 24 hours a day, or by visiting one of its Company-operated or franchised sites. ... investor.1800flowers.com/ - Similar pages

**(800) 356-9377 / 8003569377**

Feb 4, 2009 ... Report a phone call from 1-800-356-9377. Your Name or Nickname. Your name or alias as you would like it to appear in the title of your post. ... 800notes.com/Phone.aspx?1-800-356-9377 - 13k - Cached - Similar pages

**What is the phone number for 1-800-flowers? - Yahoo! Answers**

1 800 356 9377. 3 years ago. 0 Rating: Good Answer · 0 Rating: Bad Answer · Report Abuse. R Squared by R Squared. Member since: May 07, 2006 ... answers.yahoo.com/question/index?qid=20060507150756AAU1SIQa - 88k - Cached - Similar pages

**1-800-FLOWERS.COM(R) To Conduct Electronic Equipment Recycling ...**

Jun 4, 2008 ... COM 24/7 at 1-800-356-9377 or www.1800flowers.com. As always, 100 percent satisfaction and freshness are guaranteed. ... www.1800flowers.com/electronics/flowers/recycling/prwels803564.htm - 80k - Cached - Similar pages

Moreover, the Examiner also maintains that the search terms used for the search query are non-functional descriptive subject matter because the terms that are used to not further limit the process that is carried out by the claimed invention. Namely, what the search terms are do not affect how the system and method receives a search query, searches for a search query in a database, and produces results that correspond/associated with the search query.

17. The applicant argues that it was not old and well known to cross-reference a website with a telephone number and using a telephone number as a search query. However, once again, the Examiner asserts that the fact that the data that is being stored is a telephone number is non-functional for the reasons stated above. Regardless, let us assume that the data, i.e. telephone number, is functional. It has been discussed in great detail in the rejection above, the prior art, and the provided NPL documents that a search engines purpose is to receive a search query, search for the terms that make up the search query in a database, and provide the results.

That is to say, websites are stored on some database on some computer somewhere. All relevant information pertaining to that website is stored and linked to one another in the database on some computer. A search engine on a user's computer receives a search query. In this case, the search query is a telephone number. A user inputs 1-800-356-9377 as the search query into the search engine. The search engine accesses the database, containing the website for 1-800-Flowers.com, on some computer through a server. All information that is on the website as well as associated

with that site is stored on that database. For example, contact information would be such an example. As anyone having ordinary skill in the art would have known the contact information can comprise of a phone number, fax number, e-mail address, mail address, etc. These are all known pieces of contact information. To say otherwise is incorrect. Regardless, the contact information is on the site. The search engine determines this and provides the site to the user as a search result. This is the basics of a search engine. The applicant has continuously failed to show otherwise and has completely ignored all of the provided references.

The Examiner has argued that **Pant** discloses this similar method and system. **Pant** clearly discloses receiving a search query, processing the search query, determining what sites contain the search query terms, and provides those results to the user. There is absolutely no difference between **Pant** and the applicant's invention, aside from the fact that **Pant** does not explicitly disclose that the search query is a telephone number and this is where the Examiner has provided the statement that using a telephone number is old and well known, obvious, would not have been uniquely challenging or difficult, and predictable.

It is apparent that the applicant is arguing that they have invented a program that communicates with a database, which contains website address linked with telephone numbers linked with offered products. How is this different than what is disclosed by **Pant**, as well as what is known in the art? The Examiner asserts that there is no difference. All of the steps are carried out. Simply put, both inventions receive a query

and search through a database to determine what data satisfies the criteria set forth by the query and provide those results to a user.

18. The applicant further argues that **Pant** does not disclose a directory. However, the Examiner disagrees. The Examiner asserts that the results that are provided by **Pant's** search engine are obtained from information that is stored in the database. In other words, the disclosed database is the directory. The database contains a directory of a plurality of websites along with information pertaining to the website. Moreover, the results themselves are too a directory, except that the directory has been filtered to only contain a specific piece of information, such as a telephone number. This is no different than going to a phone book and ripping out all the pages that deal with pluming or ripping out the P category. Further, the Examiner also notes that in the broadest reasonable interpretation a directory is nothing more than a list of information that is grouped according to categories with similar objectives or interests

(<http://www.csqnetwork.com/glossaryd.html#directory>).

19. The applicant argues that there is no comparison of data regarding products or services provided by websites, or including software applications for correlating telephone numbers to domain names, much less doing both and also applying customizable criteria to render a directory.

However, the Examiner disagrees. Along with what was stated in the previous Office Action the Examiner further points to the fact that **Pant** clearly performs the step of comparing since in, at least, **Figure 7** a plurality of hits, i.e. search results, are provided and where the hits are organized by how relevant they are to the search query,

i.e. using comparison as a tool to determine relevance. Regarding correlating telephone numbers to domain names, the Examiner has gone in great detail regarding this limitation. However, as can be seen, one of ordinary skill in the art would have looked upon, at least, **Figures 5 and 6** where **Pant** discloses that search terms are inputted into the interface (search engine) and provides results in accordance to the search terms. In other words, the terms "Bill Clinton' NEAR 'Foreign Policy'" are correlated to all the search results provided in **Figure 7**. As discussed above, it would have been obvious and predictable that if one were to input a telephone number all sites pertaining to that telephone number, specifically the site that owns the telephone number, would be provided. As shown in the examples above, a telephone number is assigned to a specific entity and, as such, would obviously be the most relevant hit (search result) and, consequently, would have a relevance rating of 100% and appear at the top of the page. Given that all other sites that are under 100% would obviously be sites that contain the telephone number, refer to the site, or provide the same type of products and/or services.

20. The applicant argues that,

"Additionally, the examples given by the examiner with respect to a couple of websites that refer to their businesses by the word form of their 800 phone numbers (not the number only form) and refer to the business name in their website addresses are not relevant and do not teach any cross referencing of website address and telephone number."

However, the Examiner is confused as such as statement. During prosecution the applicant has requested for examples and documentation to support the Examiner's statement and, as required, the Examiner has provided those examples. However, now

it appears to the Examiner that the applicant is completely dismissing the documents just because the website address is the same as the telephone. The Examiner asserts that this is improper especially because they provide clear examples of how a search engine does, indeed, teach cross referencing of website addresses and telephone numbers.

Specifically, the Examiner asserts that 1-800-FLOWERS is, indeed, a telephone number in that each letter is associated with a number on a telephone. When a user inputs 1-800-FLOWERS into the search query field the user is inputting a phone number. Regardless, as shown in the example that was requested by the applicant it does not matter whether the user inputs 1-800-FLOWERS or 1-800-356-9377 into the search field. Again, a telephone number is specifically assigned to a specific entity, thereby having a relevance factor of 100%. With that said, the first hit on a search result, through the use of the directory (database/tables/index/etc), will obviously produce <http://www.1800flowers.com> and any other sites provided afterwards are only being provided because they contain information that is, in some way, relevant to the search query. Whether the user inputs a alphanumeric telephone number or a numeric telephone number the **combination of Pant and Official Notice** would still carryout the applicant's claimed invention.

Moreover, nowhere in **Pant** is it disclosed that the disclosed system and method would not work if a telephone number, i.e. numbers, were inputted as the search query. Just because **Pant** only provides a search query that contains only words is not a proper basis/argument to overcome the **combination of Pant and Official Notice**. To

argue that the system and method of **Pant** would simply not work because a telephone number is being inputted is absurd. **Pant's** invention is not concerned with what makes up the search terms (numbers vs. words), but is concerned with receiving a search query, processing it, and providing a result. As far as the system is concerned, the search terms are nothing more than data and, as discussed above, what makes up that data, i.e. numbers, words, or combination thereof, would not affect how the steps are carried out. The system will always receive search query, search through the database, i.e. directory, for the search query, and provide a result that satisfies the search query.

21. The applicant also argues that their invention is not a search engine, but a directory. However, the examiner disagrees in that the manner in which the applicant is claiming the "directory" is equivalent to a search engine. Below is the definition of what a directory is:

*directory*

1. An index of the files on a disk. A directory can contain individual files in addition to other directories. Also commonly known as a folder. It is the Unix equivalent of a 'folder' on a Mac, all files are stored in directories. A directory can be created with the mkdir (MD) command and empty directories are removed with rmdir (RD); directories can be changed with the chdir (CD) instruction.
2. A site, similar in operation to a search engine and often called a search engine or search site, that has a human created and edited listing of other sites, usually grouped by category of sites with similar objectives or interests. Though they certainly have a place on the Internet in the world of niche sites and those that avoid pornography, they are fast going by the wayside except for specialties and except for those that have developed into portals and vortals. Those search facilities that use robots can gather more information in a shorter amount of time, with less human intervention.

(<http://www.csgnetwork.com/glossaryd.html#directory>)

In other words, the Examiner asserts that the applicant's claimed "directory" is regarded to being equivalent to a search engine. As claimed, the Examiner asserts that

the applicant has failed to properly provide any distinction between what a search engine typically does and what the claimed invention is performing. In other words, the applicant is not claiming a directory, but the combination of a directory and search engine. Consequently, it is asserted that the **combination of Pant and Official Notice** does, indeed, disclose a directory since the search engine as discussed above accesses the directory in order to provide the search results satisfying the search query.

22. Regarding the applicant's arguments towards the discussion of non-functional descriptive subject matter, it is asserted that the Examiner has gone into great detail regarding this matter and also points the applicant to MPEP 2106.01 I - II for more information.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerardo Araque Jr. whose telephone number is (571)272-3747. The examiner can normally be reached on Monday - Friday 8:30AM - 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janice Mooneyham can be reached on (571) 272-6805. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/G. A./  
Examiner, Art Unit 3689  
5/4/09

/Dennis Ruhl/  
Primary Examiner, Art Unit 3689